

UNITED STATES DISTRICT COURT
ASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, }
Plaintiff, } NO. CR-12-6045-WFN
-vs- } ORDER
JOSE A. GAMEROS GARCIA (1), }
ARMANDO SANTANA-DIAZ (2), }
VICTOR MANUEL NAVARRO LOPEZ (3), }
Defendants. }

A first pretrial conference and motion hearing was held October 10, 2012. The Defendants, who are in custody, were present, assisted by Court-appointed interpreter Dulce Bustamante, and represented as set out in the table below:

Defendant	Counsel
Jose A. Gameros Garcia (1)	Alex B. Hernandez / Syovata Edari
Armando Santana-Diaz (2)	Stephen Hormel (CJA)
Victor Manuel Navarro Lopez (3)	Jeffrey Niesen (CJA)

Assistant United States Attorney Lawrence Haskell represented the Government. The Court addressed pending pretrial motions. Following the pretrial conference, the Court addressed budgeting and expenses with the two CJA appointed counsel in an ex parte hearing. The Court has reviewed the file and Motions and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

IT IS ORDERED that:

1 1. Defendant (1) Garcia's true name is **JOSE A. GAMEROS GARCIA**. Defendant's
2 name shall be **CORRECTED** in the docket and all future filings to accurately reflect
3 Defendant's name as set out in the caption of this Order.

4 2. Defendant (2) Lopez's true name is **VICTOR MANUEL NAVARRO LOPEZ**.
5 Defendant's name shall be **CORRECTED** in the docket and all future filings to accurately
6 reflect Defendant's name as set out in the caption of this Order.

7 3. Any motion filed by any Defendant in this multi-Defendant matter, which is not
8 limited by its subject matter to the single Defendant filing the motion, shall be considered to
9 be a motion filed on behalf of all co-Defendants. A co-Defendant who does not wish to join
10 a particular motion shall file a notice to that effect. This will avoid the necessity of all
11 Defendants filing duplicative motions.

12 4. Defendants' Motion to Compel Discovery, filed September 19, 2012, **ECF No. 67**,
13 is **GRANTED**. All outstanding discovery required to be provided to defense shall be
14 provided as soon as practical. Rough notes shall be preserved, but need not be turned over
15 at this point.

16 5. The Court **RESERVES RULING** on Defendants' Motion to Sever, filed
17 September 17, 2012, **ECF No. 56**.

18 6. Defendants' Motions to Continue, **ECF Nos. 54 and 75**, are **GRANTED**.

19 The Court finds that the ends of justice served by the granting of a continuance
20 of the trial in this matter outweigh the best interests of the public and the Defendants
21 in a speedy trial. A trial date of October 29, 2012, would unreasonably deny adequate
22 time to investigate, file appropriate motions, prepare for trial, and provide effective
23 assistance of counsel, taking into account the exercise of due diligence. 18 U.S.C.
24 § 3161(h)(7).

25 7. The trial date of October 29, 2012, is **STRICKEN and RESET to November 26,**
26 **2012, at 9:00 a.m., in Spokane**, Washington.

1 8. All time from the original trial date of October 29, 2012, to the new trial date of
2 November 26, 2012, is **EXCLUDED** for speedy trial calculations pursuant to 18 U.S.C.
3 § 3161(h)(7). A waiver of speedy trial rights was signed by each Defendant.

4 9. The October 29, 2012, final pretrial conference and motion hearing is **STRICKEN**
5 and **RESET to November 26, 2012, at 8:00 a.m., in Spokane, Washington.**

6 10. All time from the filing of Defendants' Motion to Continue on September 17,
7 2012, to the date of the hearing on October 10, 2012, is **EXCLUDED AS TO ALL**
8 **DEFENDANTS** for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(1)(D).

9 11. Trial briefs, motions in limine, requested voir dire and a set of proposed **JOINT**
10 **JURY INSTRUCTIONS** shall be filed and served on or before **November 16, 2012.**

11 Jury instructions should only address issues that are unique to this case, and shall
12 include instructions regarding the elements of each claim, any necessary definitions and a
13 proposed verdict form.

14 The Joint Proposed Jury Instructions shall include:

15 (a) The instructions on which the parties agree; and

16 (b) Copies of instructions that are disputed (i.e., a copy of each party's proposed
17 version of an instruction upon which they do not agree). All jury instructions from the most
18 current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by
19 number. The submission of the Joint Proposed Jury Instructions will satisfy the requirements
20 of LR 51.1(c).

21 Each party shall address any objections they have to instructions proposed by any
22 other party in a memorandum. The parties shall identify the specific portion of any proposed
23 instruction to which they object and shall elaborate the basis for the objection. Objections
24 asserting that an instruction sets forth an incorrect statement of law shall describe the legal
25 authority that supports this objection. Failure to file an objection and supporting argument
26 may be construed as consent to the adoption of an instruction proposed by another party.

1 12. The parties are requested to submit courtesy copies of witness and exhibit lists to
2 the Court no later than **12:00 noon the Thursday before trial.**

3 13. Defendants' Motion to Extend Time to File Pretrial Motions, filed September 22,
4 2012, **ECF No. 72**, is **GRANTED**.

5 14. An additional pretrial conference and motion hearing shall be held **November 15,**
6 **2012, at 1:00 p.m., in Spokane**, Washington.

7 (a) All additional motions shall be filed and served no later than **October 31,**
8 **2012.**

9 (b) Responses shall be filed and served no later than **November 7, 2012.**

10 15. Indigent Defendants' requests for issuance of subpoenas and payment of costs
11 and fees for witnesses shall be filed no later than ten (10) days before trial, excluding
12 weekends and holidays.

13 16. Defendant Garcia's Motion to Strike, filed September 24, 2012, **ECF No. 80**, is
14 **GRANTED**. Defendant's Motion to Expedite, **ECF No. 76**, is **STRICKEN**.

15 17. Jeffrey Niesen has indicated that he has a need for case budgeting. He shall
16 contact Nancy Rutledge to arrange it.

17 The District Court Executive is directed to file this Order and provide copies to
18 counsel **AND TO** Nancy Rutledge.

19 **DATED** this 11th day of October, 2012.

20
21
22 10-10-12

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE